

Remarks/Arguments

This amendment and remarks are in response to the Office Action dated July 30, 2007. At the time of the Office Action, claims 1-20 were pending in the application. The rejections are set out in more detail below.

I. **Brief Review of Applicant's Invention**

Prior to addressing the Examiner's rejections on the art, a brief review of applicant's invention is appropriate. The invention concerns a system and related method for providing multimedia presentations on demand in a near or on demand environment. The system includes a multimedia broadcast system and a subscriber multimedia system. The multimedia broadcast system includes a controller, multimedia source, broadcasting unit, and broadcaster communications unit. The multimedia broadcast system can also include an authorization control system, performance control system, and billing control system. The subscriber multimedia system includes a controller, broadcast receiver, user interface, subscriber communications unit, multimedia recorder, and multimedia performance unit.

Independent claims 1 and 11 concern the foregoing system and related method for providing multimedia presentations on demand in a near or on demand environment where the multimedia recorder is configured for pre-recording a beginning segment of a multimedia presentation which is broadcasted over at least two channels at a periodic interval. The periodic interval is a difference of time between the start of the broadcast of the multimedia presentation over a first channel and second different channel. The beginning segment has a time duration at least as long as the periodic interval.

The subscriber multimedia controller operatively communicates with the multimedia recorder. The subscriber multimedia controller commences playback of the beginning segment corresponding to the multimedia

presentation, wherein the beginning segment is received unscrambled. The subscriber multimedia controller further commences recording of the multimedia presentation for which a broadcast has already begun, wherein the rest of the multimedia presentation, which is not the beginning segment of the multimedia presentation, is received scrambled.

The subscriber multimedia controller further switches playback of the beginning segment to playback of the recorded portion of the rest of the multimedia presentation when the playback program content of the rest of the multimedia presentation contained in the recorded portion, wherein the rest of the recorded multimedia presentation is unscrambled during the recording or playback of the rest of the multimedia presentation.

II. Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-6, 8, 10-18 and 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,622,305 to Willard ("Willard"). Prior to addressing the Examiner's rejections on the art, a brief review of the cited reference is appropriate. The Willard reference discloses a method for scheduling broadcast of near video on demand (NVOD) programs broadcast over a network system to a receiver operable to record at least one channel. The NVOD programs are broadcast on multiplexed channels according to a predetermined periodicity. The programs include a plurality of segments S1-S3 broadcast over two or more channels during a plurality of time intervals.

The method includes displaying a first segment of the program as it is broadcast at a first time interval and recording a second segment of the program at the first time interval if the second time segment is not scheduled for broadcast at a second time interval. The second segment is displayed if broadcast at the second time interval or the recorded second segment is played at the second time interval if not broadcast. The steps of recording and playing are repeated for remaining segments of the program until the last segment of the program is displayed.

The Willard reference also discloses a system 30 for displaying (NVOD) programs. The system 30 includes an operations center 32 where control information is assembled in the form of digital data. The system 30 further includes a digital compression system where the digital data is compressed, combined, multiplexed, encoded, and mapped into digital signals for satellite 34 transmission. The digital signals are transmitted to a plurality of in home set top boxes 38, or other suitable receivers, which decompress the digital data and display programs to a viewer. Control signals sent to the set top box 38 are also decompressed and either executed immediately or placed in local storage such as RAM.

The set top box 38 includes a hard disk 48 for recording and storing received signals. The set top box 38 is operable to record at least one channel while the viewer is viewing another channel or a program previously recorded on the disk 48. The signals 47 received by a tuner/demodulator 50 within the set top box 38 are sent to a switch matrix 52 which sends the signals either directly to a demultiplexer 60 and then to a selecting circuit 54 through a full transport stream, or via demultiplexers 56 to the hard disk 48 for storage. The selecting circuit 54 is connected to a descrambler 58 which provides signals to a video decoder 62 and audio decoder 64 which deliver audio and video output 68 to the television.

Independent claim 1 recites a method for providing multimedia presentations on demand in a near on demand environment including the step of pre-recording a beginning segment of a multimedia presentation which is broadcasted over at least two channels with a periodic interval being a difference of time between the start of the broadcast of the multimedia presentation over a first channel and second channel, the beginning segment having a time duration at least as long as the periodic interval.

Claim 1 further recites the steps of responsive to a user request for the performance of the multimedia presentation: a) commencing playback of the

beginning segment corresponding to the multimedia presentation, wherein the beginning segment is received unscrambled, b) commencing recording of the multimedia presentation for which a broadcast has already begun, wherein the rest of the multimedia presentation, which is not the beginning segment of the multimedia presentation, is received unscrambled, and c) switching from the playback of the beginning segment to the playback of the recording of the rest of multimedia presentation when program content of the beginning segment corresponds with program content of the rest of the multimedia presentation contained in the recording, wherein the rest of the recorded multimedia presentation is unscrambled during the performance of at least one of step b and step c.

In contrast, the Willard reference does not teach the step of pre-recording a beginning segment of a multimedia presentation which is broadcasted over at least two channels with a periodic interval being a difference of time between the start of the broadcast of the multimedia presentation over a first channel and second channel, the beginning segment having a time duration at least as long as the periodic interval. In this regard, the plurality of segments S1-S3 in the Willard reference is not the same as the beginning segment for each one of a set of multimedia presentations. Instead, the Willard reference teaches that a single program can be broken up into three thirty minute segments S1-S3. Particularly, the segment S1 is not the same as the beginning segment recited in claim 1 and does not have a time duration at least as long as the periodic interval between being a difference of time between the start of the broadcast of the multimedia presentation over a first channel and a second channel.

Further, there is no teaching in the Willard reference of the step that the first of these segments S1 is received unscrambled or that the remaining segments S1 and S2 are unscrambled during recording of the segments. Instead, the Willard reference teaches that all of the audio and video signals in the segments S1-S3 are encoded before transmission. The signals in segments S1-S3 are not descrambled until sent to the descrambler 58 which provides

signals to a video decoder 62 and audio decoder 64 which deliver audio and video output to the television. Still, all of the segments S1-S3 are received scrambled and either recorded on hard drive 48 provided to the selecting circuit 54 scrambled. The segments S1-S3 are not unscrambled until sent to descrambler 58, video recorder 62 and audio decoder 64 just prior to being output to the television for viewing. That is, there is no disclosure or suggestion in Willard of having some segments being scrambled (non-beginning segments) and having other segments not be scrambled (beginning segments) where such segments are related as being part of a multimedia presentation, but for what is taught in the present invention

In view of the foregoing, the Willard reference fails to recite all of the literal elements of claim 1. Thus, the Examiner has failed to state a *prima facie* case for the rejection of claim 1 under 35 U.S.C. §102(e). Accordingly, applicant believes that claim 1 is in condition for allowance. In addition, applicant believes that claims 5-6, 8 and 10 are in condition for allowance at least by virtue of their dependency upon an allowable base claim.

Independent claim 11 recites a system for providing multimedia presentations on demand in a near on demand environment for use with the related method recited in claims 1-10. Similarly, claim 11 was rejected by the Examiner as being comprised of the same structural elements that were discussed with respect to the rejection of claim 1.

Notwithstanding the foregoing, the Willard reference does not teach that the plurality of segments S1-S3 are comprised of a beginning segment for each one of a set of multimedia presentations and segments corresponding to the each of the multimedia presentations as recited in claim 11. Instead, the Willard reference teaches that a single program can be broken up into three thirty minute segments S1-S3. In addition, there is no teaching in the Willard reference that the segment S1 has a time duration at least as long as the periodic interval between being a difference of time between the start of the

broadcast of the multimedia presentation over a first channel and a second channel as recited in claim 11.

Further, there is no teaching in the Willard reference that the first of these segments S1 is received unscrambled or that the remaining segments S2 and S3 are unscrambled during recording of the segments. Instead, the Willard reference teaches that all of the audio and video signals in the segments S1-S3 are encoded before transmission. The signals in segments S1-S3 are not descrambled until sent to the descrambler 58 which provides signals to a video decoder 62 and audio decoder 64 which deliver audio and video output to the television. Still, all of the segments S1-S3 are received scrambled and either recorded on hard drive 48 or provided to the selecting circuit 54 scrambled. The segments S1-S3 are not unscrambled until sent to descrambler 58, video recorder 62 and audio decoder 64 just prior to being output to the television for viewing.

In view of the foregoing, the Willard reference fails to recite all of the literal elements of claim 11. Thus, the Examiner has failed to state a *prima facie* case for the rejection of claim 11 under 35 U.S.C. §102(e). Accordingly, applicant believes that claim 11 is in condition for allowance. In addition, applicant believes that claims 12-18 and 20 are in condition for allowance at least by virtue of their dependency upon an allowable base claim.

III. Claim Rejections Under 35 U.S.C. §103(a)

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Willard reference in view of U.S. Patent No. 6,002,694 to Yoshizawa et al. ("Yoshizawa et al."). The Examiner asserts that the cited references in combination recite all of the literal elements of claim 7. The Willard reference was discussed previously. The Yoshizawa et al. reference discloses a billing system for use in a chargeable program broadcast system. The broadcast system broadcasts a program video from a program supplying company to a

subscriber terminal. The system is capable of reliably billing a subscriber for program reception while preventing the unauthorized reception thereof.

Claim 7 depends indirectly from claim 1 and further recites the step of inhibiting playback of the recording of the rest of the multimedia presentation after a presentation of the selected multimedia presentation is completed. The Examiner concedes that the Willard reference does not teach the step of inhibiting playback of the recording of the rest of the multimedia presentation after a presentation of the selected multimedia presentation is completed. However, the Examiner asserts that the Yoshizawa et al. reference teaches the step of preventing playback of the recording of the selected one of the plurality of media presentations upon completion of the presentation.

Notwithstanding the foregoing, the Yoshizawa et al. reference does not make up for the deficiencies of the Willard reference. In addition, there is no teaching or suggestion in the references for the combination proposed by the Examiner. Thus, the Examiner has failed to state a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, applicant believes that claim 7 is in condition for allowance.

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Willard reference and in view of U.S. Patent No. 6,281,940 to Sciammarella. The Examiner asserts that the cited references in combination recite all of the literal elements of claims 9 and 19. The Willard reference was discussed previously. In addition, the Examiner concedes that the Willard reference fails to explicitly teach periodically updating beginning segments corresponding to subsequent multimedia presentations. The Sciammarella reference teaches a method and apparatus to convey information corresponding to previewed channels using a display configuration having a plurality of channel information locations arranged in a sequence.

Claim 9 depends from claim 1 and further recites the step of responsive to at least one of a user request and an automatic signal, periodically updating

beginning segments with new unscrambled beginning segments corresponding to subsequent multimedia presentations. Claim 19 depends from claim 11 and further recites the multimedia system controller comprises an automatic update function that periodically updates ones of said beginning segments with a plurality of new unscrambled beginning segments corresponding to a subsequent set of multimedia presentations.

Notwithstanding the foregoing, the Sciammerella reference does not make up for the deficiencies of the Willard reference. In addition, there is no teaching or suggestion in the references for the combination proposed by the Examiner. Thus, the Examiner has failed to state a *prima facie* case of obviousness under 35 U.S.C. §103(a). Accordingly, applicant believes that claims 9 and 19 are in condition for allowance.

IV. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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